STATE WASTE DISCHARGE PERMIT NUMBER ST-9059

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER QUALITY PROGRAM
CENTRAL REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended, authorizes

**MERCER RANCH**
**46 SONOVA ROAD**
**PROSSER, WA 99350**

to discharge wastewater in accordance with the special and general conditions which follow.

| Facility Location: | Discharge Location: |
|---|---|
| Corner of Sonova and Alderdale Roads<br>Klickitat County, WA | Legal Description : Sections 23, 26, 34, and 35,<br>Township 5 N, Range 23 E. W. M. |
| Industry Type<br>Food Processor | SIC Code:<br>2099 Food Preparations |

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions sections of this permit for scheduled submittal requirements.

| Permit Section | Submittal | Frequency | First Submittal Date |
|---|---|---|---|
| S2.A. | Mercer Well #2 Analytical Results | Quarterly | December 30, 2003 |
| S3.A. | Discharge Monitoring Report | Monthly | October 15, 2003 |
| S4. | Irrigation and Crop Management Report | Annually | March 15, 2004[a] |
| S5. | Updated Engineering Report | 1/permit cycle | July 15, 2006 |
| S6.A. | Operations and Maintenance Manual Updates | As needed | December 1, 2003[b] |
| S8.C. | Solid Waste Control Plan Update | 1/permit cycle | August 31, 2007[c] |
| S9. | Spill Plan Update | As needed | N/A |
| G7. | Application for permit renewal | 1/permit cycle | August 31, 2007[d] |

[a] beginning **March 15th 2004 and in each succeeding year of the permit term**
[b] First update 90 days after effective date of permit
[c] Submit with application for renewal
[d] At least one (1) year prior to permit expiration

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **September 1, 2003** and lasting through **August 31, 2008**, the Permittee is authorized to discharge wastewater to the sedimentation pond, and land apply via spray irrigation, at rates specified in the latest Department-approved irrigation and crop management plan on the following designated lands:

> The sprayfields comprise approximately 375 acres located approximately 3.5 miles northeast of the city of Alderdale, northeast of the intersection of Sonova and Alderdale Roads. The sprayfields are situated in the SW¼ of Section 23, W½ of Section 26, and the NW¼ of Section 35, T. 5 N., R. 23 EWM; in eastern Klickitat County. The sedimentation pond is located west of Alderdale Road, in the northeast corner of Section 34, T. 5 N., R. 23 EWM.

Discharges to the sprayfield shall be subject to the following limitations:

| **EFFLUENT LIMITATIONS** | |
|---|---|
| **Parameter** | **Average Monthly Loading** |
| Hydraulic Loading | 15,000 gallons/acre/day [a] |
| Soluble $BOD_5$ | 32 lbs/acre/day [b] |
| [a] The average monthly hydraulic loading is defined as, the total quantity of wastewater applied to each sprayfield in gals/acre, divided by the number of days in the month. | |
| [b] The average monthly loading for soluble $BOD_5$ is defined as, the total quantity of soluble $BOD_5$ applied to each sprayfield in lbs/acre, divided by the number of days in the month. Total quantity of soluble $BOD_5$ means the average of the last two samples taken from the sedimentation pond. | |

## S2. MONITORING REQUIREMENTS

### A. Mercer Well # 2

The Permittee shall conduct quarterly monitoring of the Mercer Water Users Association Well # 2, (aka Karma Water District), located south of the Sedimentation Pond and Irrigation Circle 7 beginning **November 15, 2003 then again in February, May and August for the permit term.**

| Parameter | Units | Frequency | Sample Type |
|---|---|---|---|
| Total Dissolved Solids | mg/L | Quarterly | Grab |
| Specific Conductance | mho/cm @ 25° C | Quarterly | Grab |
| Chloride | mg/L | Quarterly | Grab |
| Sulfate | mg/L | Quarterly | Grab |
| Nitrate | µg/L | Quarterly | Grab |
| Manganese | µg/L | Quarterly | Grab |
| Total Iron | µg/L | Quarterly | Grab |

### B. Wastewater Monitoring

#### 1. Sedimentation Pond

The Permittee shall monitor process wastewater discharges to the **sedimentation pond** according to the following schedule:

| Parameter | Units | Sample Point | Sampling Frequency | Sample Type |
|---|---|---|---|---|
| Flow | MG | [a] | Continuous | Cumulative from 1st of month |
| Total Dissolved Solids (TDS) | mg/L | [a] | Twice per month | Grab |
| Fixed Dissolved Solids (FDS) | mg/L | [a] | Twice per month | Grab |
| Specific Conductance | mho/cm @ 25° C | [a] | Twice per month | Grab |
| pH | Standard Units | [a] | Twice per month | Grab |
| Total Kjeldahl Nitrogen (TKN, as N) | mg/L | [a] | Twice per month | Grab |
| Nitrate | mg/L | [a] | Twice per month | Grab |
| Chloride | mg/L | [a] | Twice per month | Grab |
| Sodium | mg/L | [a] | Twice per month | Grab |

[a] Sample point will be at the discharge pipe to the sedimentation pond, or as close as practical.

### 2. Sprayfield Discharge

The Permittee shall monitor process wastewater discharges from the pivot to the sprayfield according to the following schedule:

| Parameter | Units | Sample Point | Sampling Frequency | Sample Type |
|---|---|---|---|---|
| Flow | MG | [a] | Continuous | Cumulative from 1st of month |
| Soluble $BOD_5$ | mg/L | [a] | Twice per month | Grab |
| Total Dissolved Solids (TDS) | mg/L | [a] | Twice per month | Grab |
| Fixed Dissolved Solids (FDS) | mg/L | [a] | Twice per month | Grab |
| Specific Conductance | mho/cm @ 25° C | [a] | Twice per month | Grab |
| pH | Standard Units | [a] | Twice per month | Grab |
| Total Kjeldahl Nitrogen (TKN, as N) | mg/L | [a] | Twice per month | Grab |
| Nitrate | mg/L | [a] | Twice per month | Grab |
| Chloride | mg/L | [a] | Twice per month | Grab |
| Sodium | mg/L | [a] | Twice per month | Grab |

[a] Sample point shall be as close as practical prior to wastewater application to the sprayfield.

## C. Vadose Zone Monitoring

At least three suction lysimeters, or other vadose zone monitoring devices approved by the Department, shall be installed in each sprayfield circle or subdivided circle. Each device shall be sampled monthly. Samples within each subfield may be composited and analyzed, in accordance with Section 5.0 of Appendix C of the engineering report, for the following parameters:

The Permittee shall monitor the wastewater/percolate according to the following schedule:

| Parameter | Units | Sample Point | Sampling Frequency | Sample Type |
|---|---|---|---|---|
| Nitrate-nitrogen ($NO_3$-N) | mg/L | Lysimeter | Once per month | Composite |
| TKN | mg/L | Lysimeter | Once per month | Composite |
| Total Phosphorus | mg/L | Lysimeter | Once per month | Composite |
| TDS | mg/L | Lysimeter | Once per month | Composite |
| FDS | mg/L | Lysimeter | Once per month | Composite |
| Alkalinity | mg/L | Lysimeter | Once per month | Composite |
| Chloride | mg/L | Lysimeter | Once per month | Composite |
| pH[a] | mg/L | Lysimeter | Once per month | Composite |
| Specific Conductance | mho/cm @ 25° C | Lysimeter | Once per month | Composite |

[a] Field measurement

For any of the above monitoring sites and frequencies the Permittee may request the Department review the data to determine whether a reduction in the sampling frequency is warranted after 12 months of monitoring.

**D. Annual Soil Monitoring**

The Permittee shall perform annual soil monitoring where wastewater is applied. The sampling sites shall be located as to be representative of each sprayfield or subfield. Samples shall be taken from at least 4 individual sample sites on each field or subfield. Samples shall be composited according to depth from corresponding individual samples. If possible, sampling sites shall remain in the same vicinity from year to year.

Testing at each irrigation circle shall be done in accordance with the table below. Test results shall be submitted annually with the annual Irrigation and Crop Management Report, (S.4.). Samples will be collected in the fall at the end of harvest.

In the event a sprayfield is subdivided, it will be at the discretion of the Department's Central Regional Office Water Quality Engineer to determine the number of sample sites in each subfield. The number of sample sites in each 125 acre field shall not be less than four.

The Permittee shall monitor the crop **Sprayfield Soils** according to the following schedule:

| Parameter | Units | Sample Type | Depth Increments [a, b] |
|---|---|---|---|
| Organic matter | % | Composite | 1 |
| TKN (as N) | mg/Kg | Composite | 1 |
| Cation exchange capacity | meq/100g | Composite | 1 & 4 |
| $SO_4$ | mg/Kg | Composite | 1 & 4 |
| Total Phosphorus (as P) | mg/Kg | Composite | 1 & 4 |
| Calcium | mg/ Kg | Composite | 1 & 4 |
| Magnesium | mg/ Kg | Composite | 1 & 4 |
| Sodium | mg/ Kg | Composite | 1 & 4 |
| Potassium | mg/Kg | Composite | 1 & 4 |
| pH | S. U. | Composite | 1 & 4 |
| Bicarbonate ($HCO_3$) | mg/ Kg | Composite | 1 & 4 |
| $NO_3$ (as N) | mg/Kg | Composite | 1, 2, 3, 4 |
| Chloride | mg/Kg | Composite | 1, 2, 3, 4 |
| Specific conductance | mho/cm @ 25° C | Composite | 1, 2, 3, 4 |

[a] Depth increments in inches: 1= 0 -12", 2 = 12-24", 3 = 24-36", 4 = 36-48"
[b] Samples shall be taken to the indicated depths, or until auger refusal.

After the second year of operation Mercer Ranch may submit request to revise the sampling plan to the Department. Request for reduction in monitoring frequencies may be granted at the Department's discretion.

## E. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Ground water sampling shall conform to the latest protocols in the *Implementation Guidance for the Ground Water Quality Standards*, (Ecology 1996).

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard*

*Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.

All soil analysis and reporting will be in accordance with *Laboratory Procedures*, Soil Testing Laboratory, Washington State University, November 1981.

### F. Flow Measurement

The permittee shall install, **December 1, 2003 (**within 90 days of the effective date of this permit**),** continuous recording flow measurement devices to measure flows into the sedimentation pond and sprayfield according to the following:

1) Methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows.
2) The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device.
3) Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year.
4) Calibration records shall be maintained for at least three years.

### G. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

## S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

### A. Reporting

The first monitoring period begins on the effective date of the permit. A Discharge Monitoring Report, (DMR), shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

**1. Mercer Well #2 Monitoring**

The Permittee shall submit the results of quarterly well water analysis on the monthly DMRs for December, March, June and September beginning December 30th 2003 and continuing through the permit term.

**2. Sedimentation Pond & Sprayfield Pivot Monitoring**

DMRs shall be submitted monthly whenever process wastewater is discharged to the sedimentation pond and sprayfield. In the event no process wastewater was discharged to a particular point, the Permittee shall submit a DMR with the notation, "No discharge".

Discharge flow quantities into the sedimentation pond and sprayfield shall be determined using the procedure detailed in Special Condition S2.F., and reported to the Department in both gallons per day (gpd) and monthly totals.

**3. Vadose Zone Monitoring**

Monthly monitoring analytical results from the lysimeters shall be logged on the DMR whenever a sample is obtainable. In the event no sample was obtainable the Permittee shall indicate on the DMR "No water was obtained from the lysimeter during the reporting period".

## B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

## C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

## D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

## E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within thirty (30) days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

## S4. ANNUAL CROP AND SOIL REPORT

An annual Irrigation and Crop Management Report shall be received by the Department beginning **March 15th 2004 and in each succeeding year of the permit term**. Included in the plan shall be:

### A. Annual Summary of Farm Operations for Previous Year

This summary shall include:

1. Calculated Water Balance. The calculations shall include irrigation system efficiency and application uniformity, the quantity of supplemental irrigation water and process wastewater applied, crop consumptive use, water stored in the soil profile outside the normal growing season, and salt leaching requirements; and,
2. Soil Testing Results. A summary of the soil testing results shall be submitted and discussed as part of the annual Irrigation and Crop Management Plan.
3. Lysimeter Test Results. This report shall discuss in detail the levels and trends determined by the suite of analyses with particular attention given to TDS, Nitrate and Chloride found in either the soil or lysimeter water.

### B. Cropping Schedule for Upcoming Year

This schedule shall include detailed crop and irrigation plans for the next year based on the outcomes of the previous year.

1. Increasing contaminate concentration mitigation. The prime consideration of this report is to assure the protection of Washington State groundwater. The report shall incorporate the findings of the Annual Summary into a cropping plan based on Best Management Practices (BMPs) for groundwater protection, and;
2. Crop Management. The proposed sprayfield acreage for each crop, cultivation and harvesting requirements, expected crop yields, methods for establishing a crop, nutrient and hydraulic loading rates, and proposed schedule for herbicide, pesticide, and fertilizer application, and;

3. Irrigation Management. The frequency and timing of wastewater, loading rates of soluble $BOD_5$ in lbs/acre/day, and flow in gal/acre/day; and supplemental irrigation water application (including harvest and non-harvest periods), and recommended rest cycles for wastewater application.

## S5. ENGINEERING REPORT UPDATE

The Permittee shall update its engineering report. The report is due at the Department no later than **July 15, 2006**. The updated report at a minimum is to address:

- AKART analysis with special attention to pollution source reduction;
- Justify flow design criteria with permit limits;
- A re-evaluation of the potential for groundwater contamination at the sprayfield and sedimentation pond;
- Development of BMPs to reduce levels of TDS, nitrate and chloride below the Vadose Zone;
- Elimination of non-beneficial applications of wastewater;
- Characterize the cation/anion balance in the FDS fraction of TDS;
- Develop a monitoring plan and schedule which will assure representative sampling during all phases of operation.

## S6. OPERATIONS AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of this permit.

### A. Operations and Maintenance Manual Update

An Operations and Maintenance (O&M) Manual shall be updated by the Permittee in accordance with WAC 173-240-150. The O&M Manual shall be reviewed by the Permittee at least annually. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual. The approved O & M Manual shall be kept onsite at the permitted facility and available for inspection at all times.

The O & M Manual shall contain the wastewater treatment and disposal process control monitoring schedule. All applicable personnel shall follow the instructions and procedures of this manual.

The updated manual shall, at a minimum, include:

- Procedures for application of wastewater that are consistent with a monthly water balance;
- Emergency procedures for wastewater treatment and disposal process shutdown and cleanup in event of process upset or failure;
- Irrigation system operational controls, procedures, and general rules (contained in Appendix A of the engineering report) for land application;
- Plant maintenance procedures;
- Loading rates for each component of the wastewater (Appendix B );
- Protocols, procedures and schedules (Appendix C) for well water, wastewater, soil, and vadose zone monitoring and testing.
- O&M of the flow meters (and sampling equipment if appropriate).

## B. Sprayfield Application

Wastewater application shall be in accordance with, and the update of the engineering report shall at a minimum address the following elements.

1. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the state or to any land not owned by or under control of the Permittee.
2. The Permittee shall use recognized good practices, as detailed in Appendix A of the engineering report, to control odors emanating from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
3. The wastewater shall be applied to the sprayfields at loading rates not to exceed those set out in Appendix B of the engineering report. Irrigation shall not:

    a. Significantly reduce or destroy the long-term infiltration rate of the soil.
    b. Cause long-term anaerobic conditions in the soil.
    c. Cause ponding of wastewater and produce objectionable odors or support insects or vectors.
    d. Cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.

4. The Permittee shall maintain legal irrigation agreements for all lands not owned by the Permittee for the duration of this permit cycle. Any reduction in the area of irrigation lands by termination of irrigation agreements may result in permit modification or revocation. The Permittee shall immediately inform the Department, in writing, of any proposed changes to existing irrigation agreements.

### C. Best Management Practices\Pollution Reduction Program

The Permittee shall immediately begin development of BMPs which will ensure:

- wastewater application is consistent with a monthly water balance.
- The Permittee is required to install **within 90 days** flow devices which will provide consistent and reliable measurement to achieve a water balance.
- The first addendum to the O & M is due at the Department no later than 90 days after issuance of the permit, and;
- a quick response to increasing concentrations of contaminants found below the vadose zone, and;
- accounting of winter I & I at the sedimentation pond;
- improve the format of the data submittals to the Department to be more concise by preliminary analysis and collation by the Permittee.

## S7. FACILITY LOADING

### A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

| | |
|---|---|
| Average flow applied to sprayfield(s) | 15,000 gallons/acre/day |
| Average soluble $BOD_5$ applied to sprayfield(s) | 32 lbs/acre/day |

## S8. SOLID WASTE DISPOSAL

### A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into ground or surface waters of the State.

**B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

**C. Solid Waste Control Plan**

The Permittee shall submit an update of the plan with the application for permit renewal three hundred sixty (360) days prior to the expiration date of this permit. The Permittee shall submit all proposed revisions or modifications to the Solid Waste Control Plan to the Department as they occur. The Permittee shall comply with any plan modifications.

## S9. SPILL PREVENTION AND CONTROL PLAN

The Permittee shall review the plan at least annually and update the plan as needed. The plan and any supplements shall be followed throughout the term of the permit. The Spill Prevention and Control Plan shall include the following:

The updated spill control plan shall include the following:

- A description of operator training to implement the plan;
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill;
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials;
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials, including product or raw materials, which may become pollutants or cause pollution upon reaching waters of the State; and,
- Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

A. All permit applications shall be signed by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization; and,
   2. The authorization specifies either a named individual or any individual occupying a named position.

C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:
"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the State. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the

permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

## G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

A. Violation of any permit term or condition;
B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
C. A material change in quantity or type of waste disposal;
D. A material change in the condition of the waters of the State; or
E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

## G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

## G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

## G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

## G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one year (1) year prior to the specified expiration date of this permit.

## G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
B. A copy of the permit is provided to the new owner; and,
C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

## G9. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

## G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.